

HOUSE JOURNAL

FORTY-FOURTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

FIRST DAY

Hall of the House of Representatives,
Austin, Texas,

Wednesday, October 16, 1935.

In obedience of the proclamation of His Excellency, James V. Allred, Governor of Texas, convening the Forty-fourth Legislature to meet in Special Session at Austin, the seat of government, this the sixteenth day of October, 1935, the Members of the House of Representatives assembled in Representative Hall, and at 12 o'clock m., the House was called to order by the Hon. Coke R. Stevenson, Speaker.

PROCLAMATION BY THE GOVERNOR

The Speaker laid before the House and had read the following proclamation by the Governor:

To All To Whom These Presents Shall Come:

On August 24, 1935, the people of Texas voted to change the Constitution of Texas by adopting a new section to be known as Section 51b, authorizing the Legislature, under certain limitations, to provide for old age assistance, not to exceed \$15.00 per month each, to bona fide citizens of Texas over the age of 65 years.

On September 16, 1935, the Legislature of Texas was called in special session for the purpose, among other things, of carrying out the will of the people by providing a system of old age pensions and revenues to support same. Other important matters voted by the people were also incorporated in the call, however, and several days ago it became apparent that the Legislature would not be able at the First Called Session to enact an old age

pension statute and provide revenues for same.

The First Called Session of the Forty-fourth Legislature automatically expires today, and I consider it my duty in justice to the people and members of the Legislature, to call another special session to carry out the expressed mandate of the people in regard to old age pensions.

Now, therefore, I, James V. Allred, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution and laws of this State, hereby call the

Second Special Session

of the Forty-fourth Legislature, to be convened in the City of Austin, commencing at 12 o'clock noon on Wednesday, the 16th day of October, A. D., 1935, for the following purposes:

1. To provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old age assistance and for the payment of same not to exceed \$15.00 per month each to actual bona fide citizens of Texas who are over the age of 65 years, and in all things to carry out the will of the people as expressed by the adoption of House Joint Resolution No. 19, which provided for an amendment to Article III of the Constitution of Texas by adopting a new section to be known as Section 51b.

2. To provide necessary revenue for such old age assistance.

3. To consider and act on such other subjects of public importance as the Governor may, from time to time during the session, submit by message.

In testimony whereof, I hereunto sign my name and cause to be impressed hereon the Seal of the State

of Texas at Austin, this the 16th day of October, A. D., 1935.

JAMES V. ALLRED,
Governor of Texas.

R. B. STANFORD,
Secretary of State.

Speaker Stevenson then declared the House of Representatives to be duly assembled in accordance with the proclamation.

The Speaker directed the Clerk to call the roll of the House and the following Members were present:

Mr. Speaker	Gray
Adamson	Greathouse
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Alsup	Head
Ash	Herzik
Atchison	Hill
Beck	Hodges
Bradbury	Holland
Bradford	Hoskins
Broyles	Howard
Burton	Huddleston
Butler of Karnes	Hunt
Cagle	Hunter
Caldwell	Hyder
Calvert	Jackson
Canon	James
Celaya	Jefferson
Clayton	Jones of Atascosa
Collins	Jones of Falls
Colson	Jones of Shelby
Cooper	Jones of Wise
Cowley	Keefe
Craddock	King
Crossley	Knetsch
Daniel	Lanning
Davis	Latham
Davison of Fisher	Leath
Davisson	Lemens
of Eastland	Leonard
Dickison	Lindsey
Dunagan	Lotief
Dunlap of Hays	Lucas
Dunlap of Kleberg	Luker
Duvall	Mauritz
Dwyer	McCalla
England	McConnell
Fain	McFarland
Farmer	McKee
Fisher	McKinney
Ford	Moffett
Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Morse
Glass	Newton
Good	Nicholson
Graves	Olsen

Padgett	Shofner
Palmer	Spears
Patterson	Steward
Petsch	Stinson
Pope	Stovall
Quinn	Tarwater
Reader	Tennyson
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Riddle	Venable
Roach of Angelina	Waggoner
Roach of Hunt	Walker
Roane	Wells
Roark	Westfall
Roberts	Wood of Harrison
Rogers	Wood of Montague
Russell	Worley
Rutta	Young
Scarborough	Youngblood
Sessions	

Absent

Hofheinz	Payne
----------	-------

Absent—Excused

Bergman	Harris of Dallas
Bourne	Hartzog
Butler of Brazos	Lange
Colquitt	Settle
Fitzwater	Smith
Hankamer	Stanfield

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, we look to Thee for guidance in the coming days. Be Thou with us in this initial meet, and 'may the words of our mouths and meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer'. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Stanfield for today and the balance of the week, and next Monday, on motion of Mr. Walker.

Mr. Lange for today, on motion of Mr. Walker.

Mr. McKee for this afternoon and tomorrow, on motion of Mr. Knetsch.

Mr. Smith for today and the balance of the week, on motion of Mr. Rutta.

Mr. Harris of Dallas for today, on motion of Mr. Reed of Dallas.

Mr. Butler of Brazos for today, on motion of Mr. Frazer.

Mr. Hankamer for today and the balance of the week, on motion of Mr. Leonard.

Mr. Howard temporarily for today, on motion of Mr. McFarland.

Mr. Hartzog for today, on motion of Mr. Frazer.

Mr. Settle for today, on motion of Mr. Dunlap of Hays.

The following members were granted leaves of absence on account of illness:

Mr. Fitzwater for today and the balance of the week, on motion of Mr. Stovall.

Mr. Bourne for today, on account of illness in his family, on motion of Mr. Lanning.

Mr. Colquitt for today, on motion of Mr. Stinson.

Mr. Bergman for today and the balance of the week, on motion of Mr. Canon.

HOUSE BILL ON FIRST READING

The following House Bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard:

H. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

HOUSE NOTIFIED

A committee from the Senate appeared at the bar of the House and being duly announced, stated that the Senate is now organized and ready for the transaction of business.

PROVIDING FOR COMMITTEES TO NOTIFY THE GOVERNOR AND SENATE OF ORGANIZATION OF THE HOUSE

Mr. Leonard offered the following resolution:

Whereas, The House of Representatives is now called to order in the Second Called Session of the Forty-fourth Legislature; now, therefore, be it

Resolved, That the Speaker appoint two committees of five members each, one to notify the Governor, and the other to notify the Senate, that the House of Representatives is now organized and ready to transact business.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to notify the Governor: Messrs. Adamson, Leath, Fuchs, Venable and Wood of Harrison.

The Speaker announced the appointment of the following committee to notify the Senate: Messrs. Walker, Olsen, King, Hodges and Mauritz.

SENATE NOTIFIED

The committee appointed to notify the Senate that the House is now organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

GOVERNOR NOTIFIED

The committee appointed to notify the Governor that the House is now organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

HOUSE BILL NO. 27 ON SECOND READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 27 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122	
Adamson	Jones of Wise
Adkins	Keefe
Aikin	King
Alexander	Knetsch
Alsup	Lanning
Ash	Latham
Atchison	Leath
Beck	Lemens
Bradbury	Leonard
Bradford	Lindsey
Broyles	Lucas
Burton	Luker
Butler of Karnes	Mauritz
Cagle	McCalla
Caldwell	McConnell
Calvert	McFarland
Canon	McKinney
Clayton	Moffett
Colson	Moore
Cooper	Morris
Cowley	Morrison
Craddock	Morse
Daniel	Newton
Davis	Nicholson
Davison of Fisher	Olsen
Davisson	Padgett
of Eastland	Palmer
Dickison	Patterson
Dunagan	Pope
Dunlap of Hays	Quinn
Dunlap of Kleberg	Reader
Duvall	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Farmer	Roach of Hunt
Fisher	Roane
Ford	Roark
Fox	Roberts
Frazer	Rogers
Gibson	Russell
Glass	Rutta
Good	Scarborough
Graves	Sessions
Gray	Shofner
Greathouse	Spears
Hanna	Steward
Hardin	Stinson
Harris of Archer	Stovall
Herzik	Tarwater
Hill	Tennyson
Hodges	Thornton
Holland	Venable
Hoskins	Waggoner
Huddleston	Walker
Hunt	Wells
Hunter	Westfall
Jackson	Wood of Harrison
James	Wood of Montague
Jefferson	Worley
Jones of Atascosa	Young
Jones of Falls	Youngblood
Jones of Shelby	

Present—Not Voting	
Lotief	
Absent	
Celaya	Hofheinz
Collins	Hyder
Crossley	Payne
Dwyer	Petsch
Fuchs	Roach of Angelina
Head	Tillery
Absent—Excused	
Bergman	Hartzog
Bourne	Howard
Butler of Brazos	Lange
Colquitt	McKee
Fitzwater	Settle
Hankamer	Smith
Harris of Dallas	Stanfield

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 27 ON THIRD READING

The Speaker then laid House Bill No. 27 before the House on its third reading and final passage.

The bill was read third time, and was passed.

RELATIVE TO OLD AGE PENSION BILLS

Mr. Alsup moved that all bills in regard to old age pensions, be referred to the Committee of the Whole House.

Mr. Pope raised a point of order on further consideration of the motion of Mr. Alsup, on the ground that the House must vote separately on each bill to be referred.

The Speaker sustained the point of order.

Mr. Alsup moved that House Bill No. 26 be referred to the Committee of the Whole House.

Mr. Reed of Bowie moved to table the motion by Mr. Alsup.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, October 16, 1935.

To the Members of the Forty-fourth Legislature.

(In Second Called Session):

The official proclamation calling you into extraordinary session for a second time sets out the following purposes:

1. To provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old age assistance and for the payment of same not to exceed \$15.00 per month each to actual bona fide citizens of Texas who are over the age of 65 years, and in all things to carry out the will of the people as expressed by the adoption of House Joint Resolution No. 19, which provided for an amendment to Article III of the Constitution of Texas by adopting a new section to be known as Section 51b.

2. To provide necessary revenue for such old age assistance.

I hereby submit the above subject matters for immediate attention.

The people overwhelmingly authorized you to establish an old age pension system. Under his oath to support the Constitution, it is the duty of every legislator to carry out the will of the people.

Old age pensions have to be financed by taxes.

I have repeatedly directed your attention to the staggering state deficit. With one or two small exceptions nothing whatever has been done towards balancing the budget. Even if a liquor regulation bill had been passed, the amount of revenues derived would scarcely have done more than wipe out this deficit over a period of years.

The State government cannot be carried on, certainly old age pensions cannot be financed, without additional taxes. Property taxes must not be

increased. The budget, however, can be balanced, old age pensions can be financed, without great hurt to anyone if this Legislature will do its duty. The time has come when we must recognize that all interests in the State are going to have to contribute more to the far reaching future functions of government ordered by the people.

In asking you to provide and finance old age pensions, I feel justified in requesting you not to send a bill to my desk without revenues. This would be unfair to the Executive Department; and if this government is to function satisfactorily, neither department must be unfair to the other. It would be unfair to the people if the Legislature should authorize old age pensions, yet fail to finance them—a type of politics justly and surely to be condemned at the polls.

It is only fair to remind you that I have at all times opposed a general sales tax. This opposition was carried forward into the Democratic Platform because, in the words of the President, "it is a tax on poverty." A general sales tax remains a "tax on poverty," irrespective of the purpose for which it is levied. I tell you in advance, therefore, that I will not approve any bill for a general sales tax on the necessities of life.

Members of the Forty-fourth Legislature, I cannot too earnestly emphasize the necessity for immediate, consistent, continued attention to this important problem. It is no criticism to say that the people of Texas are sorely disappointed at the outcome of the First Called Session. It is a simple fact.

Another barren session will be tragic. Let me show you only one feature of it:

After over two years, the Federal Government will shortly discontinue direct relief. The small balance of the twenty million dollar state bond issue on hand at the beginning of this administration is all but exhausted. Federal work relief plans, designed to take employables off relief rolls, are necessarily proceeding slowly.

I am advised by the Board of Control (the State Relief Agency) that the prospects are charged with tragic, dangerous possibilities when direct relief stops. In view of the people's failure to adopt the amendment authorizing the Legislature to submit

emergency amendments at special sessions, it is doubtful whether, under the Constitution, the Legislature can take any steps to provide for relief of any kind regardless of the necessity.

The very least this Legislature can do, certainly the most patriotic opportunity, is to provide for an old age pension system without delay. This will take off relief rolls all people over 65 who are unable to help themselves.

I appeal to you to do your duty! The pension amendment was voted almost 60 days ago. It was submitted to the Legislature a month ago. We have, therefore, had opportunity to get all the facts available. The thing to do is to get down to work and stay at work! Committee hearings have already been held on most of the various tax measures. I agree, therefore, with the chairman of the House Committee on Revenue and Taxation that there is no occasion for any long drawn out hearings on bills that have already had committee attention. The sooner bills come to debate on the floor of each House, the more quickly can differences of opinion be ironed out.

I urge cooperative, considerate action; but we must get results! We can show results if we attend to business!

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

(Mr. Dunagan in the Chair.)

COMPLETING ORGANIZATION OF THE HOUSE

Mr. Leonard offered the following resolution:

Whereas, It is the duty of the State of Texas to furnish the House of Representatives and its members with the proper facilities, employes, and supplies to permit them to conduct and transact their official business in a business-like and efficient manner; therefore, be it

Resolved by the House of Representatives of the Second Called Session of the Forty-fourth Legislature of the State of Texas, That the Speaker of the House shall appoint the following employes for the Second Called Session of the Forty-fourth Legislature to serve for such compensation as is herein provided, unless otherwise specified:

1. Parliamentarian to the House, at \$7.50 per day.
2. Two secretaries to the Speaker, at \$5.00 per day, each.
3. One bill clerk, at \$4.00 per day.
4. One telegraph and telephone clerk, at 4.00 per day.
5. One secretary to the Chief Clerk, at \$5.00 per day.
6. One bookkeeper for the Chief Clerk, at \$5.00 per day.
7. One stenographer to the Chief Clerk, at \$4.00 per day.
8. One clerk to the Chief Clerk, at \$4.00 per day.
9. One assistant to the Journal Clerk, at \$5.00 per day.
10. Two assistants to the Calendar Clerk, one at \$4.00 per day, and one at \$3.00 per day.
11. One clerk to the Committee on Appropriations, at \$6.00 per day.
12. One reference librarian, and data clerk, at \$5.00 per day.
13. One stenographer for the Committee on Appropriations, at \$5.00 per day.
14. One page to the Committee on Appropriations, at \$3.00 per day.
15. One superintendent of stenographers, at \$6.50 per day.
16. Fifty expert stenographers and typists, at \$4.00 per day, each.
17. One superintendent of committee clerks, at \$5.00 per day.
18. Ten committee clerks at \$4.00 per day, each.
19. One clerk to the Committee on Claims and Accounts, at \$5.00 per day.
20. One clerk for the Committee on Contingent Expenses at \$5.00 per day.
21. One assistant clerk to the Committee on Contingent Expenses, at \$4.00 per day.
22. One mailing clerk for the Journal, at \$4.00 per day.
23. One assistant mailing clerk for the Journal, at \$4.00 per day.
24. One supply clerk and storekeeper, at \$3.00 per day.
25. One assistant supply clerk, at \$2.50 per day.
26. One page to the Committee on Contingent Expenses, at \$2.50 per day.

27. One stenographer for the Committee on Contingent Expenses, at \$5.00 per day.

28. One page to the Doorkeeper, at \$2.50 per day.

29. One page to the Assistant Doorkeeper, at \$2.50 per day.

30. One page for the Enrolling and Engrossing rooms, at \$2.50 per day.

31. One page for the stenographic force, at \$2.50 per day.

32. One messenger to carry papers to the Confederate Home, at \$2.00 per day.

33. Thirty pages, at \$2.50 per day, each.

34. One multigraph and/or mimeograph clerk, at \$4.00 per day.

35. One secretary to Mr. Alsup, at \$4.00 per day.

36. Three Assistant Sergeant-at-Arms, at \$4.00 per day, each.

37. One night watchman, at \$3.00 per day.

38. One assistant night watchman, at \$3.00 per day.

39. Ten porters, at \$2.00 per day, each.

40. One maid for ladies' lounge room, at \$2.00 per day.

41. One superintendent of porters, at \$3.50 per day.

42. Two elevator boys, at \$2.00 per day, each.

43. One day houseman, at \$3.00 per day.

44. One night houseman, at \$3.00 per day.

45. One chief operator for voting machine, at \$7.50 per day.

46. One assistant operator for voting machine, at \$5.00 per day.

47. One extra duty porter at \$2.50 per day.

Be it further resolved, That it shall be the duty of the Speaker, and he is hereby empowered, to dispense with the services of any employe who, in his judgment, is not further needed; or for the misconduct of any employe, and he shall have the power to appoint extra help whenever in his judgment it is needed. The duties of the employes heretofore mentioned shall be such as are required by the Speaker of the House of Representatives, and he is hereby empowered to apportion the hours and pay of part-time employes.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient; provided, further, that any employe who shall absent himself without leave shall not receive any compensation for the time missed during his absence. The salaries of the employes shall begin when they are instructed by the Speaker to begin work; be it further

Resolved, That each member of the House of Representatives of the Second Called Session of the Forty-fourth Legislature be, and is hereby, allowed a credit in the sum of Thirty Dollars with the Committee on Contingent Expenses for expenditure for stationery, supplies, postage, telephone tolls and/or telegraph tolls. The Speaker shall be allowed an additional Thirty Dollars, the Chief Clerk shall be allowed Thirty Dollars, the Committee on Contingent Expenses and the Sergeant-at-Arms shall each be allowed Twenty Dollars, and the Committee on Appropriations shall be allowed Thirty Dollars. The Committee on Claims and Accounts Ten Dollars.

The Committee on Contingent Expenses shall procure and keep for the use of the House, its members, officers and committees, such stationery, stamps, and other supplies as may be needed and ordered by the House, the Speaker, and/or the Chairman of the Committee on Contingent Expenses. The clerk of this Committee shall keep an itemized account of the quantity of every kind of material received, the date it was received, the price paid therefor, and the person from whom it was received. The unused remainder, if any, shall be delivered, at the close of the session, to the Board of Control for safe keeping. The office of this Committee shall be kept open daily, except Sundays, from 8:30 a. m., until one hour after the adjournment of the House, and on Sundays from 9 a. m., to 11 a. m. The Committee shall keep a set of books, containing an account for each member, officer, and/or committee authorized by the House, to expend stationery, supplies, stamps, telephone and/or telegraph tolls, and shall charge to each such account its daily withdrawals. The clerk of the Committee shall furnish a statement to each member of the accounts, monthly, or when requested.

The Committee on Contingent Expenses shall have jurisdiction over the mailing of the Journal.

Each member shall be furnished with three weekly and/or daily newspapers, of his own selection.

Each member shall be furnished with a postoffice box, rent of which is to be paid by the Committee, if requested by a member.

All requisitions for paper and supplies necessary for the preparation of bills and/or resolutions, for the use of the enrolling and engrossing rooms and/or the standing committees of the House shall be under the direction and care of the Committee on Contingent Expenses. This Committee is also authorized to rent a sufficient number of typewriters and other business machines for the use of the House and its employes, and to furnish same with proper materials; be it further

Resolved, That twelve hundred copies of the House Journal be printed daily; one hundred to be delivered to the Senate, one copy to be placed on each member's desk daily, seventy-five copies to be delivered to the State Library, and the remainder to be left with the Committee on Contingent Expenses for distribution under the direction of the Speaker.

Resolved further, That no allowances included in this resolution shall be expended except for actual salaries and/or actual expenses of the House, its members, officers, committees, and/or employes hereinabove set out.

All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House.

The resolution was read second time, and was adopted.

PROPOSED AMENDMENT TO JOINT RULES

Mr. Fain offered the following resolution:

H. C. R. No. 1, Proposed amendment to Joint Rule No. 20.

Whereas, Experience in past sessions has demonstrated that during the closing hours of a session, amendments that are not germane to an original bill are often tacked thereon in Free Conference reports by Free Conference Committees;

Whereas, Such action is undemocratic, unethical and unfair as not reflecting the true will of the majority of each House;

Whereas, The proper function of a Free Conference Committee is that of adjusting the differences between the two Houses; and

Whereas, Under the present Joint Rules neither House has any control over the action of Free Conference Committees; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Rule No. 20 of the Joint Rules of both Houses, be amended by adding thereto a Subsection to be known as Section 20a, to read as follows:

"Section 20a, The conferees shall be limited to the differences between the two Houses and shall not insert in their report new matter not germane thereto by going outside the differences committed to them."

The resolution was read second time.

Mr. Fain moved that the House Rule which requires all resolutions proposing amendments to the rules to be referred to the Committee on Rules, be suspended at this time for the purpose of considering the above resolution.

The motion prevailed.

(Speaker in the Chair.)

Mr. Walker offered the following amendment to the resolution:

Amend the resolution by striking out the period at the end of section 20a and adding the following:

"without permission of each House granted after the appointment of the Conference Committee."

Question—Shall the amendment by Mr. Walker be adopted?

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Roach of Hunt, Mr. Reed of Bowie and Mr. Reader:

H. B. No. 1, A bill to be entitled "An Act amending Section 2, Acts 1933, Regular Session of the Forty-third Legislature, Page 409, Chapter 162, House Bill 154 as amended by Acts of 1933, Forty-third Legislature, First Called Session, Page 43, Chapter 12, increasing the tax on oil, allocating the revenue to the Public School Fund and for the payment of Old Age

Pensions; prescribing a savings clause, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Quinn:

H. B. No. 2, A bill to be entitled "An Act defining certain words, terms and phrases for the purposes hereof; providing and imposing an occupation tax on the first sale, distribution or use of carbon black in this State; providing certain exceptions; requiring distributors of carbon black to obtain a permit and file with the Comptroller of Public Accounts a surety bond or in lieu of bond to deposit in a Suspense Account in the State Treasury an amount of money equal to the amount of bonds required; regulating the issuance of such permits and providing for the suspension and revocation of permits issued; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reed of Bowie:

H. B. No. 3, A bill to be entitled "An Act to create an Old Age Pension System; to define an Old Age Pension Fund; to define those eligible to share in the distribution of the fund, the time and the manner of making proof of eligibility for an old age pension; to create an Old Age Pension Board and defining its duties; to cooperate with the Federal Government; to accept gifts; manner of payment of old age pensions; providing for administrative expenses of this Act; providing for penalty; prescribing a savings clause, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. McFarland, Mr. Padgett, Mr. Stovall and Mr. Dunagan:

H. B. No. 4, A bill to be entitled "An Act to amend Articles 7151, 7162, 7164 and 7174, Chapter Six, and Articles 7178, 7183, 7184, 7192, 7193, 7204, 7214, 7215, 7216, and 7224, Chapter Seven, Title 122, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Worley:

H. B. No. 5, A bill to be entitled "An Act amending, and re-enacting Subsection 5 of Section 1, Chapter 10, Acts of First Called Session of the Forty-third Legislature relative to the taxes levied on the pari-mutuel wagering system; empowering the County Commissioners Court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Frazer and Mr. James:

H. B. No. 6, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities, and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act; taxes on soft drinks; providing for the licensing of operators of coin-operated vending or amusement machines as defined in the Act; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reader, Mr. Jones of Falls and Mr. Roach of Hunt:

H. B. No. 7, A bill to be entitled "An Act to prevent unfair competition and unfair trade practice, providing for exceptions to the Act, providing for method of stabilizing the standard retail price of articles sold under labels, trade-marks, brands, and forms of advertisement heretofore adopted and filed in the office of the Comptroller of Public Accounts, fixing a tax fee of \$10.00 to Comptroller of Public Accounts for services rendered, prescribing liability for violation of the terms of this Act, permitting injunctions to restrain such practices, etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Shofner and Mr. Tennyson:

H. B. No. 8, A bill to be entitled "An Act to amend Article 7060 Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 19, Acts of the Forty-first Legislature, Fifth

Called Session so as to increase and provide for an occupation tax based on gross receipts, upon each individual company, corporation, or association engaged in owning, operating, managing, or controlling any gas, electric light, electric power, or water works, or water and light plant, for local sale and distribution in incorporated towns or cities of certain populations within this State and charging for gas, electric lights, electric power, or water, etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Petsch, Mr. Jones of Atascosa, Mr. Hankamer, Mr. Knetsch, Mr. Roberts, Mr. Steward, Mr. Alexander and Mr. Davis:

H. B. No. 9, A bill to be entitled "An Act to carry out the principles of Old Age Assistance as prescribed by the Constitution of Texas, defining terms, setting up necessary machinery; providing for hearings, appeals, defining offenses, prescribing punishments; providing the necessary revenues, levying the taxes; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Good:

H. B. No. 10, A bill to be entitled "An Act levying a tax on playing cards, poker chips, dice, dominoes and certain other articles and items named therein, allocating such tax, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hunt and Mr. Alsup:

H. B. No. 11, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, prescribing their terms of office and qualifications and duties, and fixing their salaries; providing for the appointment of an Executive Director to the Texas Old Age Assistance Commission and a Chief Auditor, prescribing the qualifications and duties of such Executive Director and Chief Auditor; providing for the appointment of Old Age Assistance Supervisors in the various counties and districts in Texas, and for the selection and appointment of

necessary investigators, clerks, auditors, stenographers, and other assistants, and limiting the salaries of such employees; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Jones of Atascosa, Mr. Petsch, Mr. Alexander, Mr. Knetsch, Mr. Steward, Mr. Bergman, Mr. Alsup, Mr. King and Mr. McKinney:

H. B. No. 12, A bill to be entitled "An Act to provide funds for payment of Old Age Assistance and financing of Public Free Schools; levying a selective gross proceeds tax on commodities and services other than the necessities of life; defining, excluding and exempting such necessities; providing for the collection of such tax; apportioning the same, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Daniel:

H. B. No. 13, A bill to be entitled "An Act amending Article 7105, Revised Civil Statutes, 1925, and the amendment thereto contained in Section 12, of House Bill No. 154, Acts of the Regular Session of the Forty-third Legislature, and Articles 7107 and 7111, Revised Civil Statutes, 1925, etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Davisson of Eastland:

H. B. No. 14, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, prescribing their terms of office and qualifications and duties, and fixing their salaries; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Knetsch:

H. B. No. 15, A bill to be entitled "An Act to amend Article 2785 so as to provide that notices of election shall be posted for ten days, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Roark:

H. B. No. 16, A bill to be entitled "An Act levying a license tax of one-half mill per kilowatt hour on electricity and electrical energy generated, manufactured, or produced in the State of Texas, for barter, sale, or exchange; and providing for the collection and distribution of such tax; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Dwyer:

H. B. No. 17, A bill to be entitled "An Act defining certain words, terms and phrases used herein; levying a luxury tax of two per cent of the gross receipts of the sale of all tangible personal property sold in this State; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

My Mr. Keefe:

H. B. No. 18, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, prescribing their terms of office and qualifications and duties, and fixing their salaries; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Glass, Mr. Davisson of Eastland, Mr. Reed of Bowie, Mr. Lemens, Mr. Hardin, Mr. Reader, Mr. Hodges, Mr. Davis, Mr. Huddleston, Mr. Farmer, Mr. Smith, Mr. Frazer, Mr. Tillery, Mr. Palmer, Mr. Colson, Mr. Leath, Mr. Westfall, Mr. Dickison, Mr. Scarborough, Mr. Celaya, Mr. Jones of Shelby, Mr. Mauritz, Mr. Crossley, Mr. Padgett, Mr. Stovall, Mr. Luker, Mr. Lotief, Mr. Herzik, Mr. Wood of Montague, Mr. Craddock, Mr. Youngblood, Mr. Canon, Mr. Worley, Mr. Hyder, Mr. Steward, Mr. Butler of Karnes, Mr. Roach of Angelina, Mr. Olsen, Mr. McKee, Mr. Petsch, Mr. Quinn, Mr. Jones of Atascosa, Mr. Young, Mr. Knetsch, Mr. Tarwater and Mr. Howard:

H. B. No. 19, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such

assistance; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Lotief:

H. B. No. 20, A bill to be entitled "An Act levying a graduated occupation tax upon all producers engaged in the business of producing and selling natural and/or casinghead gas in intrastate commerce within the State of Texas, etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Fain:

H. B. No. 21, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, prescribing their terms of office and qualifications and duties, and fixing their salaries, etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Spears:

H. B. No. 22, A bill to be entitled "An Act amending Subdivision 40A, Section 1, Chapter 212, House Bill No. 251, Acts Regular Session Forty-second Legislature; levying a tax upon persons, firms and corporations who produce sulphur, etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hofheinz and Mr. Calvert:

H. B. No. 23, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, prescribing their terms of office and qualifications and duties, and fixing their salaries; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mrs. Moore and Mr. Thornton:

H. B. No. 24, A bill to be entitled "An Act to provide an old age system for resident citizens over the age of sixty-five years; providing for the administration of the system through

the State Comptroller and county welfare commission of the various counties of the State; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Farmer, Mr. Hunt, Mr. James, Mr. McConnell, Mr. Youngblood, Mr. Frazer, Mr. Quinn, Mr. Lucas, Mr. Glass, Mr. Adkins, Mr. Palmer, Mr. Lotief, Mr. Tillery, Mr. Canon, Mr. Morris, Mr. Roach of Angelina, Mr. Bradbury, Mr. Roark, Mr. Jones of Wise, Mr. Hunter, Mr. Hanna and Mr. Huddleston:

H. B. No. 25, A bill to be entitled "An Act amending Article 7046 of the Revised Civil Statutes of the State of Texas for 1925, providing that a poll tax of One (\$1.00) Dollar only, shall be collected on every person between the ages of 21 and 60 years, etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Morrison, Mr. Duvall, Mr. Ash, Mr. Adkins, Mr. Nicholson, Mr. Lanning, Mr. Mauritz, Mr. Lucas and Mr. Hoskins:

H. B. No. 26, A bill to be entitled "An Act creating a System of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Bradbury, Mr. McConnell, Mr. Tarwater, Mr. Lotief, Mr. Jones of Wise, Mr. Alsup, Mr. Hardin, Mr. Hunt, Mr. Glass, Mr. Davison of Fisher, Mr. Fain, Mr. Lucas, Mr. Lindsey, Mr. Westfall, Mr. Daniel, Mr. Roach of Hunt, Mr. Russell and Mr. Farmer:

H. B. No. 28, A bill to be entitled "An Act to levy an income tax upon natural persons and corporations for the purpose of reducing the State ad valorem tax and the ad valorem tax of the several counties upon property; defining certain terms; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Colson and Mr. Jefferson:

H. B. No. 29, A bill to be entitled "An Act levying an occupation tax

upon State-wide Mutual Assessment Companies, and Mutual Assessment Accident Companies; providing certain exemptions; prescribing the rate of tax and methods of its measurement; providing for the manner of collection, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. McFarland, Mr. Padgett, Mr. Stovall, Mr. Walker and Mr. Dunagan:

H. B. No. 30, A bill to be entitled "An Act levying a gross receipts tax on all persons who are merchants and/or manufacturers, defining certain words, providing that the tax herein levied shall be credited on all ad valorem taxes for State purposes and providing penalties, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Quinn:

H. B. No. 31, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the producing, distributing, exporting and importing of natural gas with certain exceptions; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employees or representatives; prescribing penalties for failure to comply with the provisions of this Act; providing for the payment of interest and penalties on delinquent taxes due hereunder; providing that the State may compel meters to be placed on natural gas wells and natural gas pipe lines; providing for suits to enforce the collection of delinquent taxes, interest, penalties and costs by certain officials and fixing the venue therefor; providing that one-fourth of the tax collected shall be paid into the State Treasury for account of the public free school fund and three-fourths of the tax collected shall be paid into the State Treasury for the old age pension fund; providing should any part of this bill be declared unconstitutional the remainder of the bill shall remain in full force and effect; repealing House Bill No. 547 passed by the Forty-second Legislature in so far as it affects the tax

on natural gas; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Lotief:

H. B. No. 32, A bill to be entitled "An Act amending Article 7060 of the Revised Civil Statutes of 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Lotief:

H. B. No. 33, A bill to be entitled "An Act relating to occupation tax on the production of salt, providing for an occupation tax of One (\$1.00) Dollar per long ton of all salt produced within the State of Texas; providing for reports and records, imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; directing the bringing of suit for the recovery of taxes, penalties and interest; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reed of Bowie:

H. B. No. 34, A bill to be entitled "An Act amending Article 7118, Revised Civil Statutes of 1925, so as to increase the rate of inheritance tax levied herein by 50% on all brackets of taxable values of estates, as amended by Acts, 1935, Forty-fourth Legislature, Page 922, Chapter 356, Sec. 1, amending Article 7119, Revised Civil Statutes of 1925, as amended by Acts of 1927, Fortieth Legislature, Chapter 62, Page 87; amending Article 7120, Revised Civil Statutes of 1925; amending Article 7121 Revised Civil Statutes of 1925, as amended by Acts, 1927, Fortieth Legislature, Page 87, Chapter 62; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reed of Bowie:

H. B. No. 35, A bill to be entitled "An Act to create an Old Age Pension System; to define an Old Age Pension Fund; to define those eligible to share in the distribution of the fund; the time and the manner of

making proof of eligibility for old age pension; to create an Old Age Pension Board and defining its duties; to cooperate with the Federal Government; to accept gifts; manner of payment of old age pension; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reed of Bowie:

H. B. No. 36, A bill to be entitled "An Act defining the term 'Dance Hall'; providing that any person, firm or corporation desiring to operate a Dance Hall shall apply for and secure a license from the State Comptroller of Public Accounts; levying an annual occupation tax of \$25.00 against each person, firm or corporation operating a Dance Hall; providing for the issuance of license by the Comptroller of Public Accounts; providing that any person, firm, corporation, partnership or association of persons operating a Dance Hall without having paid the occupation tax provided for herein shall be deemed guilty of misdemeanor subject to conviction and fine in any sum not less than \$25.00 nor more than \$500.00; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

Mr. Alsup raised a point of order on further consideration of House Bill No. 7, by Mr. Reader, and House Bill No. 25, by Mr. Farmer, on the ground that the subject matter contained in the bills has not been submitted by the Governor.

The Speaker sustained the point of order.

RECESS

On motion of Mr. Caldwell, the House at 3:00 o'clock p. m., took recess to 9:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Appropriations filed a favorable report on House Bill No. 27.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 16, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred

H. B. No. 27, A bill to be entitled
"An Act making an appropriation
of the sum of One Hundred Thous-
and (\$100,000.00) Dollars, or so much
thereof as may be necessary, out
of any funds in the State Treas-
ury, not otherwise appropriated, to
pay the contingent expenses, and to
pay the per diem of members and the
per diem of officers and employes of
the Second Called Session of the
Forty-fourth Legislature, and declar-
ing an emergency."

Has carefully compared same and
finds it correctly engrossed.

HODGES, Chairman.

FIRST DAY

(Continued)

(Thursday, October 17, 1935)

The House met at 9:00 o'clock a. m.,
and was called to order by Speaker
Stevenson.

RECESS

On motion of Mr. Pope, the House
at 9:15 o'clock a. m., took recess to
9:30 o'clock a. m., tomorrow.

REASONS FOR VOTE

Since no record vote is taken, we
wish to say that we oppose the motion
of Mr. Pope to recess until tomorrow.

HUDDLESTON,
GLASS.

FIRST DAY

(Continued)

(Friday, October 18, 1935)

The House met at 9:30 o'clock a. m.,
and was called to order by Hon. Albert
G. Walker, of Wilbarger County.

COMMUNICATION FROM HON. COKE R. STEVENSON

The following communication was
ordered printed in the Journal:

October 18, 1935.

Mrs. Louise Snow Phinney, Chief Clerk
House of Representatives
Austin, Texas

Dear Madam:

By the authority vested in me under
Rule I, Section 11, of the Rules of the
House of Representatives, Honorable
Albert Walker is hereby appointed to
preside during my absence today.

COKE R. STEVENSON,

Speaker of the House of
Representatives.

CONCERNING MEETINGS OF THE COMMITTEE ON REVENUE AND TAXATION

Hon. Walter E. Jones, chairman of
the Committee on Revenue and Tax-
ation, having been recognized by the
Chair, made the following announce-
ment in regard to hearings of the
Committee on Revenue and Taxation,
and announced the appointment of a
subcommittee to consider the bills as
follows:

The following bills in the Commit-
tee on Revenue and Taxation have been
referred to subcommittee as listed
and report on same will be heard on
Monday, October 21, at 2 o'clock p. m.

Subcommittee: Knetsch, (Chair-
man) Nicholson, Reed of Bowie,
Thornton and James.

H. B. No. 9 (Old Age Assistance,
and gross proceeds tax) By Mr.
Petsch and Mr. Jones of Atascosa.

H. B. No. 11 (Old Age Assistance,
creating Commission, etc.) By Mr.
Hunt and Mr. Alsup.

H. B. No. 12 (Old Age Assistance,
gross proceeds tax) By Mr. Jones of
Atascosa, et al.

H. B. No. 18 (Old Age Assistance,
Omnibus Tax Bill) By Mr. Keefe.

H. B. No. 23 (Old Age Assistance,
creation of Commission, etc.) By Mr.
Hofheinz and Mr. Calvert.

H. B. No. 17 (Luxury Tax, allocating
proceeds to Old Age Fund, etc.) By
Mr. Dwyer.

H. B. No. 35 (Old Age Pension Bill)
By Mr. Reed of Bowie.

WALTER E. JONES,
Chairman.